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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,291	01/03/2002	Colette Cozcan	COZEAN.001A	8339

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ROSE, SHEP K

ART UNIT	PAPER NUMBER
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1614

DATE MAILED: 07/24/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10039291

Applicant(s)

CO 267N

Examiner

SIMP ROSE

Group Art Unit

1214

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1241 is/are pending in the application.
- Of the above claim(s) 1236 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☒ Claim(s) 37641 is/are objected to.
- ☒ Claim(s) 1241 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

The reply filed on May 15, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): what is a "KIT" herein?. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The May 15, 2003 response to the March 14, 2003 restriction requirement is an election, with traverse to examine Group IV, claims 37 to 41, to a "kit" for home tooth treatment comprising

- (A) a fluoride mixture;
- (B) a 400nm to 750nm wavelength light source;
- (C) a fluoride mouthwash or a fluoride patch.

In claims 37 and 39, the light is a non-coherent light source, or LED.

In claim 40, the non coherent light source has an IR spectra wavelength that can be green, blue, yellow or red.

Non-elected claims 1 to 36 are hereby withdrawn Rule 142(B), these are to compositions and methods that do not recite and require the elected "KIT".

The claimed "KIT", for at home use, (example 10, page 18), differs from the "KIT" for professional use (example 11, pages 18, 19) in including a hand-held LED laser light source, and examples 7 and 8 on page 17 establish that the kit components can be employed with an Argon laser instead of a visible LED.

There is no written description herein of what is a "KIT" (?), hence resort to dictionary definition of "KIT" is helpful herein.

DICTIONARY DEFINITIONS:

"KIT"

"KIT" : a collection of articles; or the container containing these, or this with its contents;

"KIT" : the outfit of tools required by a workman;

"KIT" : a collection of things) a group of things; number of things viewed as a whole; a set, lot, collection; esp. the whole kit (and caboodle)

"KIT" : a shortened form of kitten; a kitten.

"KIT" : a collection of articles and appliances for any special purpose: an outfit.

"KIT" : a set of tools or implements.

"KIT" : a set of parts to be assembled.

"KIT" : a packaged collection of related material

"KIT" : a container for any of such sets or collections.

"KIT" : a young or undersized fur bearing animal.

Does the "light source" in the "KIT" in claims 38, 39 and 40 herein encompass the light source of claims 25, 26 and 17 of related cozean 10/039291? Claims 12 to 16 therein?

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Is the elected "KIT" the kit for at home use, (example 10 page 18,) with the above noted hand-held light source, LED (shouldn't it also recite with a shield which protects the patient from laser reflections which may damage their eyes")? Are LED light source lasers safe (on the eyes) for home use? By children?

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shep Rose whose telephone number is (703) 308-4609. The examiner can normally be reached on Monday, Tuesday, and Thursday 7:30am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel can be reached on (703) 308-4725. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-4544 for regular communications and (703) 305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.



SHEP K. ROSE
PRIMARY EXAMINER

Rose/tgd
July 22, 2003

Shep Rose
Senior Primary Examiner
Art Unit 1614